

REMARKS

Claims 1-12 are pending in this application with claims 1, 5 and 9 being amended and claims 4, 8 and 12 being cancelled by this response. Claims 1, 5 and 9 have been amended to include the limitations contained in Claim 4, 8 and 12, respectively. Therefore, it is respectfully submitted that no new issues have been raised.

Rejection of Claim under 35 USC § 102(e)

Claims 1, 2, 5, 6, 9, 10 are rejected under 35 USC § 102(e), as being unpatentable over Bradley et al. (US 6,804,501).

The Office Action indicates claims 4, 8 and 12 are allowable. As admitted in the Office Action, Bradley et al. fail to disclose the methods of sampling and digitization of the signal at the end of the reception facility, digital demodulation of the digitized signal, modulation of the demodulated signal and calculation of the noise power from the modulated signal and the digitized signal. These features found in original claims 4, 8 and 12 have been included in independent claims 1, 5 and 9. Therefore, it is respectfully submitted that claims 1, 5 and 9 are allowable as Bradley et al. neither disclose nor suggest "means of sampling and means of converting the signal at the end of the facility into a digitized signal, means for performing the digital demodulation of the signal and for obtaining a demodulated signal, means of digital modulation for modulating the demodulated signal and obtaining a modulated signal, means for calculating the noise power from the modulated signal and the digitized signal" as currently recited in claim 1, 5 and 9 of the present claimed invention.

As claims 2, 6 and 10 are dependant on independent claims 1, 5 and 9 it is respectfully submitted that they are allowable for the same reasons as discussed above in reference to independent claims 1, 5 and 9.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Bradley et al.

Application Serial No. 10/075,833

Attorney Docket No. PF010013

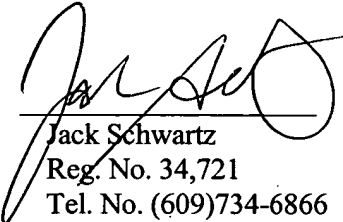
showing the above discussed features. It is thus further respectfully submitted that claims 1, 2, 5, 6, 9 and 10 are not anticipated by Bradley et al. It is thus, further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

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CERTIFICATE OF MAILING under 37 C.F.R. §1.8

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: December 20, 2005

